

FILED
IN THE UNITED STATES DISTRICT COURT

2011 MAY 12 AM 11:13
FOR THE DISTRICT OF MONTANA

PATRICK E. DUFFY, CLERK
BY _____
BILLINGS DIVISION

In Re CHAD J. COCHRAN,)	CV-11-02-BLG-RFC
)	
Petitioner,)	ORDER ADOPTING FINDINGS
)	AND RECOMMENDATIONS OF
)	U.S. MAGISTRATE JUDGE
_____)	

On April 6, 2011, United States Magistrate Judge Carolyn Ostby entered Findings and Recommendation. Magistrate Judge Ostby recommends this Court dismiss the Petition in this matter.

Upon service of a magistrate judge's findings and recommendation, a party has 14 days to file written objections. 28 U.S.C. § 636(b)(1). No objections to the April 6, 2011 Findings and Recommendation were filed. The Court attempted to send Petitioner a copy of the Findings and Recommendation and the mail was returned as undeliverable.

Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its

burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After an extensive review of the record and applicable law, this Court finds Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.


The letter submitted by Cochran does not name a Respondent. He has neither paid his filing fee nor moved to proceed in forma pauperis. His action is also subject to dismissal under D.Mont.L.R. 5.5(b) for failure to provide a current mailing address. The Court has attempted to correspond with Petitioner on two occasions. In both instances, the mail was returned as undeliverable.

A certificate of appealability is not required because this action could only proceed, if at all, under 25 U.S.C. § 1303. *See* 28 U.S.C. § 2253(c)(1).

Accordingly, **IT IS HEREBY ORDERED** that the Petition is DISMISSED. The Clerk of Court is directed to enter a judgment of dismissal and close this matter accordingly.

The Clerk of Court shall notify the parties of the entry of this Order.

DATED the 13th day of May, 2011.


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE